

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Henning BOETTCHER et al.

Confirmation No.: 8082

Serial No : 10/031,367

Examiner: Richard L. Raymond

Filed: June 3, 2002

Group Art Unit: 1624

Title: N-(INDOLCARBONYL-)PIPERAZINE DERIVATIVES

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

VIA FACSIMILE -703-872-9306
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

TIMING AND FEES

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☒ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. § 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR
 - ☐ a notice of allowance under 37 C.F.R. § 1.311; and
- is accompanied by:
- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR

- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- ☐ a final action under 37 C.F.R. § 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR
 - ☐ a notice of allowance under 37 C.F.R. § 1.311;
- AND is filed on or before payment of the issue fee; AND is accompanied by:
- ☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

STATEMENTS UNDER 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

CITED MATERIALS

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed but not attached were cited in an international search report dated _____.
- ☒ Copies of the materials listed are attached.

NON-ENGLISH LANGUAGE REFERENCES

- ☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

- X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family


☐ Translation of other relevant information on foreign search report

OTHER INFORMATION

PAYMENT OF FEES DUE (IF ANY):

- ☐ A check for \$ _____ covering the fee identified above is attached.
☐ Please charge to Deposit Account No. 13-3402 \$ _____ for the fee identified above.
☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account No. 13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,


John A. Sore, Reg. No. 33,103
Attorney for Applicants

MILLEN, WHITE, ZELANO &
BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2370

Date: May 11, 2004

BRANIGAN & WHITE, 2200 Clarendon Blvd., Suite 1400, Arlington, VA 22201

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Name: Robin Taylor

Signature: (Robin Taylor)

Date: 5-11-04

Please type a plus sign (+) inside this box →



PTO/SB/08A (08-00)

Approved for use through 10/31/2002 OMB 0861-0031
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Supersede for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/031,367
Filing Date	June 3, 2002
First Named Inventor	Henning BOETTCHER et al.
Group Art Unit	1824
Examiner Name	Richard L. Raymond
Attorney Docket Number	MERCK-2370

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Office ³	Number ³	Kind Code ² (if known)				
		EP	0 599 240	A1	Hoechst-Roussel	6/1/1994		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume+issue number(s), publisher, city and/or country where published	T ⁵
		Written Opinion in corresponding PCT application which cites EP 599,240	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER Initial: if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See Attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.